REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official

Action dated 21 March 2006. Responsive to the rejections made in the Official

Action, Claims 1, 3, 4, 6, 8, 10, 12, 14, 15, and 17 have been amended to clarify

the combination of elements which form the invention of the subject Patent

Application. Additionally, Claim 2 has been cancelled by this Amendment.

In the Official Action, the Examiner rejected Claims 1 – 18 under 35

U.S.C. § 103(a), as being unpatentable over Borgato, U.S. Patent No. 5,950,178,

in view of Barnes et al., U.S. Patent No. 5,970,475.

Before discussing the prior art relied upon by the Examiner, it is believed

beneficial to first briefly review the method of the invention of the subject Patent

Application, as now claimed. The invention of the subject Patent Application is

directed to an electronic commerce method which includes the step of preparing a

list of products to be bought and sold through an electronic commerce system.

The method includes the step of retrieving market prices for each of the products

of the list of products from a source external to the electronic commerce system.

Further, the method includes the step of displaying on a home page of an

electronic commerce system server connected to the internet, the list of products

having a product name column representing product names with respect to a

number of products, a market price column representing the market price obtained

for each product from the external source, a purchase registration column

representing a buyer registration situation with respect to each product, and a sale

registration column representing a seller registration situation. The purchase

registration column for each product includes a total number of purchase

registrants and the highest price for the product, and the sale registration column

for each product includes a total number of sale registrants and the lowest price for

each product. The method includes the steps of downloading the home page

including the list of products to terminals of a number of buyers and sellers

connected to the system server on the internet, and bidding and registering each

purchase and sale condition with respect to a particular product in the purchase

registration column and the sale registration column by the number of buyers and

sellers. The method includes the step of selecting and indicating the highest

purchase price offered by a buyer and the lowest sale price requested by a seller

among a number of purchase conditions and sale conditions whenever a new

registration is performed in the purchase registration column and the sale

registration column with respect to the particular product. Further, the method

includes receiving a purchase intention expressed by a buyer in response to a

corrected sale condition of the particular product by the buyer or receiving a sale

intention expressed by a seller in response to a corrected purchase condition of the

particular product by the seller. The method also includes the step of remitting a

product bill to a designated bank account of a system manager in sequence with

the purchase intention in the case that the first priority intention expresser is a

buyer, and emitting a product bill to the designated bank account by a buyer

selected according to a request of the system server in the case that the first

priority intention expresser is a seller. Still further, the method includes the steps

of requesting the seller to deliver the product to the buyer in reply to the

remittance of the product bill, and remitting the product bill to the seller upon

completion of the delivery of the product. By the electronic commerce method of

the invention of the subject Patent Application, it provides a system wherein

sellers can offer products which are purchased based on a contract between the

buyer and seller based on the seller's requested price, or a contract between the

seller and a highest bidding buyer, or a contract between a buyer and a lowest

bidding seller. An advantage of the invention of the subject Patent Application is

its display of a market price to both potential buyers and sellers for each of the

respective products, the market price being initially established from an outside

source, and then subsequently replaced by the transactions which take place in the

electronic commerce system. In addition to having the market price upon which to

intelligently negotiate the purchase or sale contract, the total number of buyer and

seller registrants are also provided on the home page of the electronic commerce

server. That information is important because the price at which products are

bought or sold is partially based on supply and demand, the supply being based on

a number of sellers (seller registrants) and the demand based on the number of

buyers (buyer registrants).

In contradistinction, the Borgato reference is directed to a data processing system and method for facilitating transactions in diamonds. Each seller and each product by the same seller are separately listed and the attributes thereof provided by the system, as no two diamonds are exactly alike. Therefore, the system fails to disclose or suggest any display of a total number of sale registrants, as the system has no need for such information, since there is only one sale registrant (seller) for each product listed.

Contrary to the Examiner's assertion, nowhere does the reference disclose or suggest providing a market price for each product listed. The reference discloses the display of various diamond characteristics along with the offer price and the identification of the seller, column 2, lines 21 – 26. Further, the reference discloses the host processor as comparing the price of the diamonds offered for sale in each category position and determining the lowest offer price for a diamond in a specific category, and assigning that data for the lowest price diamond a primary offer position in the array of product data, column 2, lines 29 – 34. Thus, the only price information disclosed is that of the price being offered by the sellers (selling price), and nowhere discloses a market price <u>retrieved for each product of the list of products from a source external to the electronic commerce system</u>, as now claimed. Having an externally derived market price provides both the buyers and the sellers with a benchmark from which they can negotiate a mutually agreeable purchase agreement.

It is further respectfully submitted, that the reference fails to disclose or

suggest the purchase registration column for each product including a total number

of purchase registrants and the sale registration column for each product including

a total number of sale registrants, as now claimed. In the invention of the subject

Patent Application, the total number of sellers and buyers for each product are

shown to both sellers and buyers along with the listing of all of the products,

thereby giving a true picture of the supply and demand for each product. Figure 2

of the reference shows a display of the array of products, divided by a category,

here the category is clarity, and displaying the prevailing offer price 52, sale price

54 and bid price 56 in each displayed data matrix 22'. In Fig. 9, the display for

purchasers wishing to place a bid is shown. The buyer selects a category 50 in the

array window 56 wherein the two most recent sales prices are displayed. The

buyer utilizes the bid display 90 in order to enter their bid for the selected goods.

However, nowhere does the reference disclose or suggest in that display a

purchase registration column which includes a total number of purchase registrants

as well as a total number of sale registrants, as now claimed.

The Barnes et al. reference does not overcome the deficiencies of Borgato.

The Barnes et al. reference is directed to an electronic procurement system and

method for trading partners. The method describes the means for funds transfer in

an electronic commerce system, but fails to disclose or suggest the method

wherein market prices are retrieved for each of the products of the list of products

from a source external to the electronic commerce system, as now claimed.

Further, the reference fails to disclose or suggest the purchase registration column for each product including a total number of purchase registrants and the highest price for the product, and the sale registration column for each product including a total number of sale registrants and the lowest price of each product, as now claimed.

As neither Borgato nor Barnes et al. disclose or suggest the concatenation of method steps which form the invention of the subject Patent Application, as now claimed, they cannot in combination make obvious that invention. Accordingly, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully required.

Respectfully submitted,
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